

12.125 LICENSES AND PERMITS: INVESTIGATION OF

Reference:

Ohio Revised Code 4737.10 Junk Yard Inspections
Cincinnati Municipal Code 843 Junk Dealers and Second-hand Dealers
Cincinnati Municipal Code 510 Assemblages and Parades
Cincinnati Municipal Code 910-19 Violation of Special Event Ordinance

Definitions:

Junkyard – means a place of business, which is operated for the purpose of storing, keeping, buying or selling junk except manufacturing establishments.

Fence – a barrier at least six feet but not more than ten feet in height, which is either comprised of plantings or natural objects, or constructed of any non-transparent material.

License – permission or authority to do something, which would be wrongful or illegal to do, if permission or authority were not granted. Licenses are required in order to regulate public matter activities.

Permit – permission to do something, especially in written form. A document or certificate giving permission to do something that would be illegal to do if permission or authority were not granted prior to the act. Usually short in duration or life.

Notwithstanding – any ordinance or statute to the contrary; in spite of the fact that an alternative does/does not exist; and “although” when used as a conjunction.

Purpose:

Establish a guide and procedure for the inspection and processing of specific licenses and permits held by businesses or individuals within the City limits.

Policy:

Police Department personnel are responsible for the inspection and proper recording of licensure and permitting of businesses in the City as required by the Treasurer’s Office, City Manager, or Police Chief.

Information:

The Treasurer's Office of the Department of Finance will exercise all available means of contacting the licensee or permit holder, prior to referral to the Police Department for investigation.

The Treasurer's Office will mail the licensee or permit holder an application for renewal before the license or permit expires.

If the notice is not answered or renewal has not been made within a two-week period, the Treasurer's Office will forward a list of suspected violators to the Police Department.

The list will indicate the address of the licensee or permit holder and the district affected, and the section number of the specific violation.

In the case of regular annual and semi-annual inspections, the affected district is responsible for the scheduling of inspections and properly reporting the results.

The Event Planning Unit has the responsibility for processing applications for parades, special events, and street blocking.

Procedure:

A. Suspected Violators

1. The list of suspected violators will be routed to the Patrol Bureau Commander, for recording and distribution to each district.
2. The affected district and Intelligence Unit will receive a list of suspected violators within the district, including information that renewal has not been made. The list will also relate why the correspondence has not been answered (e.g. no such address, no forwarding address, no response to mailings, etc.)
3. The district personnel will investigate to determine if the licensee or permit holder is located at the address indicated and if the business is still operating, and take enforcement action if operating in violation.
4. If a violation is observed, the investigating officer will determine if the licensee or permit holder is an individual or a corporation.
 - a. If a corporation, the officer will discuss the case with the Prosecutor's Office before any citation is issued.
 - b. The investigating officer will issue a payout citation or cite the violator to court indicating the specific violation observed and the proper section number for the violation.
 - c. The investigating officer will sign the affidavit and prepare a Case Summary (Form 527A). The representative of the Treasurer's Office whose signature appears on the list of suspected violators, will be included on the Form 527A as a witness. A copy of the Form 527A will be attached to the affidavit.
 - d. If at the arraignment proceedings, a "Not Guilty" plea is entered, the investigating officer and a representative of the Treasurer's Office will be notified by the Prosecutor's Office to appear in court.

5. The Police Department will notify the Treasurer's Office of the disposition upon completion of the court proceeding or investigation.

B. Firearms-Dealer Inventory:

1. In order to maintain current information concerning firearms and ammunition, the Police Department will conduct semiannual inspections of firearm dealers.
2. Each district will conduct an inspection of all firearms dealers within their respective areas on February 1st and August 1st.
 - a. Complete the Firearms and Ammunition Inventory Report (Form 599) and make two copies:
 - 1) Forward the original to the Patrol Bureau Commander via the chain-of-command.
 - a) The Patrol Bureau Commander will forward Form 599 to Police Communication Section for placement in the Emergency Operations Center CDOP book.
 - 2) Forward a copy to Planning Section.
 - 3) Retain a copy for the district CDOP Book.
 - b. A Form 17 will be utilized as a cover for this report. Indicate which business should be given prime attention in the event of a civil disturbance.
 - c. When making these inspections, special attention will be given these factors:
 - 1) Security measures to be carefully examined and where deficiencies are noted, recommendations for improvement shall be made by the inspecting officer.
 - 2) The record shall include day/night telephone numbers of responsible members of the business.
 - 3) All dealers shall be advised to immediately notify their police district in the event of any sizable increase in their stock, or unusual sales activity.
3. The Form 599 will be reproduced and distributed to the districts, and a limited quantity stored at Supply Unit to be ordered on a regular requisition.

C. Junk Yard Inspection Report:

1. In order to comply with Ohio law, the affected district will inspect all junkyards within their area, on a semi-annual basis.
 - a. The District Commander's designee (e.g. district investigator(s), officer charged with junk/abandoned autos, etc.) will conduct the inspection during the months of March and September.
 - b. Follow-up inspections will be done within the 60-day period following the original inspection and will be submitted as outlined in section C.3.a.
2. The junkyard inspection report is designed to answer all the requirements of the ORC and CMC. The form has two major sections for information gathering.
 - a. The top one third of the form is designed to capture who, when, where and why an inspection is being done.
 - 1) The bottom two thirds of the form identifies the items to be inspected.
 - b. All blocks listed under the Business Transactions Log must be checked off as being present, at the time of inspection, in order for the premise to be in compliance.
3. The inspection
 - a. The inspecting officer will contact the business owner to set a date and time for the inspection
 - 1) Contact Intelligence Unit prior to inspection to obtain any background information on the licensee.
 - b. Conduct a physical inspection of the premises and the Business Transaction Log as outlined on the form 268 using the Information Sheet as a guide.
 - 1) Note on a Form 17 all names of people who have multiple transactions (three or more) within the past inspection period.
 - a) Forward these names via the chain-of-command to the Intelligence Unit.
 - c. Prepare the Junkyard Inspection Report Form 268 in triplicate

- 1) Give the third copy of the report to the licensee or his representative. Turn in the remaining pages of the Form 268 to the district commander.
- 2) The district commander will forward a copy of the form 268 to the Intelligence Unit.

D. Applications for parades, special events, and street blocking

1. Applications are available at any police facility, and on the Department's website.
2. Forward completed applications via the chain-of-command to the Event Planning Unit (EPU). Facsimiles or out dated versions of applications will not be accepted. The application must have the applicant's signature on it.
3. EPU will send a copy of the application to the appropriate district, via Patrol Administration, for the district's review and recommendation.
4. The district will make their recommendation for approval or disapproval of the event and return the application via the chain-of-command to EPU.
5. EPU will ensure acceptable insurance is obtained when required and obtain the approval from the City's Risk Manager. After the insurance is checked by the Risk Manager and the recommendation is received from the affected district EPU will:
 - a. If the application for an event is approved; notify the affected district, the event applicant, the Fire Department, Southern Ohio Regional Transit Authority, and the Department of Public Works (Traffic & Road Operations).
 - 1) If the event involves the southern portion of District One, the Southbank shuttle and the Transportation Authority of Northern Kentucky will also be notified.
 - b. If the application for an event is not approved, send notice of disapproval to the affected district and the event applicant.
 - c. Maintain a calendar of events to provide specific event information and will direct this data to the Information Technology Management Section (ITMS) so it will be available on the Police Department's website.
 - d. Submit requests for Notwithstanding Ordinances for all events taking place on city streets that charge admission, sell food, drinks or merchandise, or have any other specific need or feature requiring a Notwithstanding Ordinance.

6. All temporary liquor permit applications for special events on city property are coordinated through EPU.
7. EPU will maintain staff supervision over the entire process.